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the legislature to abrogate them by law?"—Thus we learn that the fall of man and constitutional limitations in our legislatures are part of the same orthodoxy. Judge Lamm, I suppose, represents the liberal spirit among our American judges and older practitioners. There are certainly many who do not speak of the new heresies in so kindly and urbane a fashion.

By way of supplement there are added to this book translations (by Mr. Kocowrek) of Merkel's estimate of Jhering's lifework in the *Jahrbücher für Dogmatik* of 1893, and of Tanon's luminous discussion of Jhering and Teleologic methods in law in his excellent book *L'Evolution du Droit et la Conscience Sociale*.

The translation by Messrs. Husik and Kocowrek is of a high order, combining faithfulness with fluency. Dr. Husik's apparent unfamiliarity with English legal terminology and his inclination to translate German technical terms literally produces rather cumbrous and unintelligible effects, such as "bilateral promissary business," or "imaginary unilateral real business." Moreover the English *real* does not convey the same meaning as the German *real*,—certainly not to lawyers who talk about *real* property, or to philosophers who talk about *real* tables. Objections may also be taken to Mr. Kocowrek's rendering of the French *finalité* by the English *finality* which has an entirely different connotation. Teleology, purposiveness or finalism are more available. The expression "the contrast of the revolutionary period against cosmopolitanism," etc. (p. 437) is unintelligible.

Tanon, as well as Geldart, mildly protests against Kohler's sweeping condemnation of Jhering as "ein ganz unphilosophisches Kopf." Tanon's protest is based on the plea that metaphysics is unnecessary for a philosophy of law. The fundamental contradictions and obscurities which Tanon points out in Jhering's system show, however, that here as elsewhere metaphysics, as "the obstinate effort to think clearly," is only an indication of well organized thought.

MORRIS R. COHEN.

COLLEGE OF THE CITY OF NEW YORK.

The Foundations of Character. Being a Study of the Tendencies of the Emotions and Sentiments. By ALEXANDER F. SHAND, M.A. London and New York, The Macmillan Company, 1914.—pp. xxxi, 532.

In this volume Mr. Shand sets before us the organon and some of the contents of the science of character, which J. S. Mill projected in

his *Logic*, as "Ethology." Mr. Shand finds the foundation for this science in his hypothesis of the emotions and sentiments, which has long been known through his articles in *Mind*, and the chapter written by him in Stout's *Groundwork of Psychology*, as well as through its employment in the works of McDougall, Westermarck, Sully, Caldecott, and Boyce Gibson, all of whom are at least partial converts to the theory. The full significance of the doctrine, now that it has been set forth at length, in maturer as well as in more popular form, and in its setting with reference to the larger topic of character, is at once evident.

Mr. Shand's psychology throughout is what we in America call 'functional.' It would not be possible, he maintains, to understand character by viewing the different processes of perception, thought, feeling, and will in isolation. They must be interpreted in the light of the directing forces that organize them, and give the mind its unitary character. Such organizing forces are the emotions. The real significance of these cannot be found by analyzing them into constituent sensations and feelings in the traditional way, and advancing an interpretation of the related physiological problem. This was the mistake of the James-Lange theory. On the other hand, the emotions can only be understood in the light of their original biological value for survival, and, what is still more important, their present larger service in the full development of character. As Mr. Shand uses the term, therefore, an emotion includes, not merely a bare feeling, but this feeling conjoined with impulse and an essentially cognitive attitude. The emotion in its entirety is a system of which the portion that we feel is only the part that is present in consciousness, whereas there is, besides, the receptive part which evokes the impulse, say of anger or of fear, and the executive part which carries out the impulse into action.

From this description, those familiar with McDougall's *Social Psychology* will recognize that what Shand calls the "system of a primary emotion" corresponds pretty closely with what McDougall would call a "primary instinct." Shand uses 'instinct' in a different sense, to connote some rather definite mode of behavior which is innate, though modifiable by habit and foresight of ends, and attended by an impulse; whereas an emotion is larger and more comprehensive, and within its system may be organized a considerable variety of instincts and other impulses (pp. 185-92). It seems to the reviewer that, while Mr. Shand has made a good point against Dr. McDougall in showing that an emotion may find expression in one of several

modes of behavior, and that the same mode of behavior may be attached to different emotions, it none the less remains more advantageous to retain the term 'instinct' for the entire disposition which Shand calls the 'system of the emotion,' and to confine 'emotion' to the affective phase present in consciousness. This seems more in accordance with ordinary usage and less liable to misunderstanding. While the issue is largely a matter of terminology, it has important consequences, as Shand's usage seems to have misled him in his classification of joy, sorrow, and desire.

A sentiment is a 'greater system' of the character, which organizes and directs the 'lesser systems' of the emotions. Love, for example, is such an organization of the lesser systems of many emotions that "in the presence of anything we love we are disposed to feel joy, and in prolonged absence from it, sorrow, and at the suggestion of danger to feel the fear of losing it, and when it is attacked to feel anger against the assailant" (p. 35). As we become conscious of the qualities of a sentiment and reflect upon them, and strive after them *ideals* develop—e. g., devotion, loyalty, constancy and sincerity for the sake of a loved object—such as another person or a science or an art—and from these ideals arise *duties* and *virtues*. Thus an inner system of virtues, ideals, and duties develops within the sentiment, which Shand calls the "relative ethics of the sentiment." As a check or regulator between the different sentiments, each with its own relative ethics, develops the "general ethics" attached to the Conscience—the latter a sentiment unique "in not possessing any private object," and so "not urged to partiality on that account" (p. 119).

After the conceptions of the emotions and sentiments, perhaps the most valuable contribution in the volume is the treatment of temperament. The traditional four temperaments are keenly criticized and found inadequate. The better way is to view a man's temperament in the light of his "tempers," *i. e.*, the various particular dispositions which each of his emotions tends to assume. Thus in different individuals the emotion of anger gives rise to 'irascible,' 'sullen,' 'violent' and 'peevish' tempers; sorrow to 'sorrowful' and 'melancholic' tempers, etc. Ruling tempers color an individual's temperament as a whole. This method of analysis is applied to various characters in history and literature by way of illustration, and is effective and illuminating. Laws of temperament are also developed which seem convincing. Perhaps it is not too much to hope that now, for the first time since Galen's attempt, an investigator has at last indicated how the study of temperaments can be placed on a scientific basis.

About half of the entire volume is devoted to a detailed analysis of the tendencies of the different primary emotions, each of which is discussed separately. Shand does not seem to the reviewer to have succeeded in showing that joy and sorrow are primary emotions, although he makes it clear that it is much more significant to interpret pleasure as an element in a larger system than to view it in the ordinary manner as affection, abstracted from cognitive and conative processes. He admits that although there is scarcely any instinct that may not be called into activity through it, joy has no special instinct of its own except merely the maintenance of pleasurable states in which it is experienced. It seems to me that in view of this admission it would have been better to have regarded joy more as pleasure is usually treated—as attending and reinforcing mental activity—but having cognitive and conative as well as affective phases.

The third book, entitled "The System of Desire," seems to be the least suggestive part of the volume, and most difficult to understand. Throughout the earlier part of the volume we were informed that the emotions have conative sides, and are directed towards ends. Why are we now introduced to 'desire' as a *separate* system, with its own set of emotions? Why not say that every emotion—in McDougall's terminology, every instinct—in striving for its end has its conative side, and that this on occasion induces the subsidiary complex emotions of hope, anxiety, despondency, etc.?

In his methodology, Mr. Shand proclaims himself in the main a follower of Mill. His procedure is inductive and empirical. He points out, however, the limitations of Mill's associationism. To remedy these, while retaining association as one law of combination, he adds another law, that of "organization." The conative activity everywhere organizes mental processes into a systematic unity. This "law of organization" seems to be really more in the spirit of Hegel than of Mill, and if Mr. Shand had consciously as well as unconsciously made use of a neo-Hegelian logic he could apparently have brought out more prominently than he does—what it seems certain that he really believes—that the mind always acts as a unity, and that all the emotions and sentiments are phases of the concrete unity of the self. As it is, some critics will be certain to exaggerate Mr. Shand's empiricism, and unjustly accuse him of thinking of human character as an aggregate of discrete elements linked together in a cause and effect series.

These criticisms are of course not intended to detract from the great value of Mr. Shand's volume. It unquestionably marks an important

advance in the understanding of human character, and has done much to open up a new field, which most psychologists have avoided on account of its subtlety, to exact scientific description and analysis. The volume particularly deserves the careful study of those interested in social psychology and ethics, while its semipopular style and generous use of illustrative material drawn from French and English literature, will make it as practically available as it is bound to be invaluable to those students and producers of literature who wish more effective tools of character analysis and appreciation.

WILLIAM K. WRIGHT.

CORNELL UNIVERSITY.

L'esthétique de Schopenhauer. Par ANDRÉ FAUCONNET. Paris, Félix Alcan, 1913.—pp. xxii, 462.

This book is a vigorous defence of Schopenhauer's theory of art. The author is convinced that it is impossible to regard Wagner's work as one of the most important events in modern history without admitting the epoch-making character of the Schopenhauerian æsthetics (p. 444). He makes a consistent, energetic attempt to prove the permanent significance of Schopenhauer's metaphysic of the beautiful, and to show moreover that the master's doctrine is not a whim of genius, a *tour de force*, but rather that it is coherent and organically one with the rest of his philosophy.

Dr. Fauconnet leaves largely untouched the question of Schopenhauer's own æsthetic education (*cf.* p. iv, but also pp. 423, 434 ff.). He touches on Plato, Kant, Schiller, and Wagner, not in order to discover any relations or influences, but rather in order to understand, by reference to their works, how Schopenhauer represents to himself the originality of his own views (p. vi). The author's aim is to analyze Schopenhauer's doctrine itself, neglecting no detail, and to coördinate its elements, to relate it to the rest of his philosophy, all the while being conscious of the fundamental problem underlying his inquiry: To what extent are the exigencies of pessimism compatible with those of art?

Before the writing of the Third Book of *The World as Will and Idea*, Schopenhauer's theory of art was already present in its essentials in his early works. To the four books of his masterpiece correspond the four chapters of his Dissertation of 1813, and the Beautiful plays the same rôle in both: it is a propædæutic to the Good (p. 7). In his *Theory of Colors* (1816) Schopenhauer pits the poet Goethe against the mathematician Newton, æsthetic intuition against scientific